

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 93 OF 2016
IN
CRIMINAL APPEAL NO. 48 OF 2016

Amol Shantaram Chavan. ... Applicant.
Versus
The State of Maharashtra & anr. ... Respondents.

Mr. Deepak V. Dere, advocate for Applicant.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JANUARY 29, 2016

P.C.:

1 Heard the learned Counsel for the Applicant and the learned
APP for the State.

2 This is an application seeking suspension of substantive
sentence imposed upon the applicant. The applicant herein is
convicted for the offence punishable under Section 333 of the Indian
Penal Code and sentenced to suffer R.I. for 2 years and to pay fine of

Rs. 5000/- I.d. to suffer S.I. for six months by the Additional Sessions Judge, Greater Bombay vide Judgment and Order dated 23/11/2015 in Sessions Case No. 669 of 2014.

3 The learned Counsel for the applicant submits that the substantive sentence imposed upon the applicant was suspended by the learned Additional Sessions Judge, Greater Bombay on 23/11/2015 during the appeal period. It is submitted that although appeal period is expired on 23/11/2016, the applicant be enlarged on bail. It is further submitted that the appeal and the application was filed on 16/1/2016. However, the matter could not be circulated due to personal difficulty of the learned Counsel for the appellant. Learned Counsel further submits that the applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon him and hence, he is entitled to the extension of the same relief during the pendency of the appeal.

4 The substantive sentence is a short term sentence and it is not likely that the appeal would be heard in near future. In view of this, the applicant deserves to be enlarged on bail.

5 Hence, following order :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. The applicant be enlarged on bail. Same bail, fresh bond.
- (iii) The applicant shall furnish bail bond within two weeks from today. Upon failure to execute fresh bail bond within two weeks from today, the Additional Sessions Judge, Greater Bombay shall issue non-bailable warrant against the accused/applicant.
- (iv) The applicant shall furnish his residential address, contact numbers like landline number, cell phone number, etc. to the concerned court.
- (v) The applicant shall attend the Court of Additional Sessions Judge, Greater Bombay once in 6 months on the date specified by the

concerned court. Upon failure to attend two consecutive dates, the prosecution is at liberty to move for cancellation of bail.

6 The application stands disposed of accordingly.

Parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)